

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MARK ANTHONY GOODING,

Plaintiff,

v.

Case No. 2:24-cv-12097

District Judge Sean F. Cox

Magistrate Judge Kimberly G. Altman

NICHOLAS EVANS, MICHAEL
RAMELIS, ENNIS, OTTO, SMITH,
and JOHN DOES

Defendants.

ORDER GRANTING PLAINTIFF'S MOTION TO AMEND (ECF No. 9)

I.

This is a prisoner civil rights case under 42 U.S.C. § 1983. Plaintiff Mark Anthony Gooding (Gooding), proceeding *pro se*, is suing the above-captioned defendants. He alleges federal claims including excessive force/assault, malicious prosecution, the withholding/destruction of evidence, as well as state law claims of malicious prosecution, assault and battery, and the intentional infliction of emotional distress. (ECF No. 1).¹ On August 30, 2024, the case was referred to the undersigned for all pretrial proceedings. (ECF No. 7).

¹ Gooding's claim against J. Randall Secontine as well as his civil conspiracy claim have been dismissed. (ECF No. 6).

Before the Court is Gooding's motion to amend the complaint. (ECF No. 9). Gooding's motion will be GRANTED. Gooding shall have until **October 10, 2024**, to file an amended complaint as a matter of course.

II.

Amendments to pleadings before trial are governed by Federal Rule of Civil Procedure 15(a). Under Federal Rule of Civil Procedure 15(a)(1), "a party may amend its pleading once *as a matter of course* no later than (A) 21 days after serving it, or (B) . . . 21 days after service of a responsive pleading or [motion.]" (emphasis added). The rule was amended in 2023 to clarify that a pleading may be amended before a responsive pleading is served.

Here, Gooding filed his complaint on August 12, 2024. He filed the instant motion to amend on September 6, 2024. Although service on the defendants has been ordered, none of the defendants have been served. Gooding's request to amend the complaint is within the time allowed under Rule 15(a)(1) for amending as a matter of course.

Gooding is reminded that under Local Rule 15.1, he is required to "reproduce the entire pleading as amended, and may not incorporate any prior pleading by reference." This means that the amended complaint must contain all of Gooding's allegations and claims and name all of the defendants.

III.

For the reasons stated above, Gooding's motion to amend the complaint, (ECF No. 9), is GRANTED. Gooding shall have until **October 10, 2024** to file an amended complaint.

SO ORDERED.

Dated: September 10, 2024
Detroit, Michigan

s/Kimberly G. Altman
KIMBERLY G. ALTMAN
United States Magistrate Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on September 10, 2024.

s/Julie Owens
JULIE OWENS
Case Manager